

**RECORD OF THE PROCEEDINGS  
SKAGIT COUNTY BOARD OF COMMISSIONERS  
MONDAY, JUNE 24, 2002**

- 8:30 a.m. – 9:30 a.m.                      Work Session – County Administrator
- 9:45 a.m. – 10:00 a.m.                    Deliberation – Interlocal Agreement with the City of Anacortes
- 10:00 a.m. – 11:00 a.m.                   Appeal by the State of Washington of the Hearing Examiner’s  
Decision Regarding the Annual Review of Conditional Use #75-  
0233, a Conditional Use Permit for the Walker Valley ORV  
Trailhead Located East of Big Lake off of Walker Valley Road
- 11:00 a.m. – 11:30 a.m.                    **Consent Agenda and Miscellaneous Items**
- 11:30 a.m. – 1:30 p.m.                    Skagit Legislative Delegation Luncheon (The CottonTree Inn,  
2300 Market Street, Mount Vernon)
- 1:45 p.m. – 2:15 p.m.                    Deliberation – Adoption of the “2002 Framework Agreement”  
Regarding Coordinated Planning, Urban Services, and  
Countywide Planning Policies
- 2:15 p.m. – 4:00 p.m.                    Executive Session – Personnel, Litigation and Land Acquisition

The Skagit County Board of Commissioners met in regular session on Monday, June 24, 2002, with Commissioners Don Munks and Kenneth A. Dahlstedt present. Commissioner Ted W. Anderson’s absence was excused.

**DELIBERATION – INTERLOCAL AGREEMENT WITH THE CITY OF ANACORTES.**

This item was postponed until Tuesday, July 8, 2002 at 1:30 p.m. in the Commissioners’ Hearing Room.

**APPEAL BY THE STATE OF WASHINGTON OF THE HEARING EXAMINER’S  
DECISION REGARDING THE ANNUAL REVIEW OF CONDITIONAL USE #75-0233,  
A CONDITIONAL USE PERMIT FOR THE WALKER VALLEY ORV TRAILHEAD  
LOCATED EAST OF BIG LAKE OFF OF WALKER VALLEY ROAD.**

Linda Kuller, Planning Department, explained that a public meeting was held on February 13, 2002 to host an annual review of CU75-0233. This Conditional Use Permit was issued for the development of a trailhead that included parking, an unloading ramp, chemical toilets, horse stalls, picnic units and garbage cans. During the public meeting, the Hearing Examiner held the record open to receive additional comments and later entered additional exhibits into the record. A decision was issued on April 23, 2002 with seven conditions. The Hearing Examiner’s decision was made after considering issues related to the trailhead as well as the trail system. Presently, the trail system is allowed as a nonconforming use under the current zoning ordinance. When the trailhead permit was originally issued, ORV trails were a permitted use in the subject zone. The State of Washington filed a timely appeal of the Hearing Examiner’s decision on May 7, 2002.

She stated that the Department of Natural Resources (DNR) submitted a Notice of Appeal of the Hearing Examiner’s decision dated April 23, 2002 regarding the annual review of CU75-0233, a Conditional Use Permit for a trailhead at the head of the Walker Valley ORV Park. The Notice of Appeal indicated that the Hearing Examiner had no authority to impose the conditions in the decision and abused his discretion in prescribing the conditions. DNR stated in the Notice of Appeal that their procedural due process rights were violated, and the conditions are overly broad resulting in an unnecessary and onerous burden on them.

**RECORD OF THE PROCEEDINGS**  
**MONDAY, June 24, 2002**  
**PAGE NO. 2**

Pursuant to Skagit County Code 14.06.170, the Board of Commissioners shall select one of the following courses of action:

- (1) Remand the matter for further consideration by the Hearing Examiner, or
- (2) Deny the appeal and affirm the decision of the Hearing Examiner, or
- (3) If the Board finds the Hearing Examiner's decision is clearly erroneous, the Board may adopt its own findings, conclusions and decisions based upon the record made before the Hearing Examiner.

Ms. Kuller stated that staff review indicates that under Skagit County Code 14.16.900(2)(b)(iii), the Hearing Examiner has the authority to modify a special use permit "based on a finding that the conditions have not been satisfied by the Applicant". In addition, this code section indicates that the Administrative Official may request the review by the Hearing Examiner. Based on current Skagit County code, Staff finds pursuant to SCC 14.16.900(2)(b)(ii) that an official finding regarding the permit conditions of CU75-0233 was not issued by the Administrative Official.

She indicated that based on current SCC 14.16.900(2)(b)(iii), Staff recommends that the Board of County Commissioners remand this decision back to the Hearing Examiner with the direction that the Hearing Examiner order the Administrative Official to make a formal finding that the original conditions of the permit either have or have not been met. This formal finding should be limited to the scope of the permit issued for trailhead facilities.

If the conditions of the permit have been met, then the permit should stand as issued and the Administrative Official shall request an annual review meeting based on that finding. However, should the Administrative Official find that the special use permit conditions for the trailhead have not been met, an official public hearing before the Hearing Examiner shall be arranged pursuant to SCC 14.06.120(5) and (6).

Michael Rollinger, Assistant Attorney General for the State of Washington, representing the Department of Natural Resources, stated that after hearing Ms. Kuller's review, there is much confusion as to where DNR stands on this issue. He said that it appears the standards and criteria applied to the process are very unclear, which resulted in the Hearing Examiner Pro Tem being unclear and confused as well as several attendees. He asked why the request should be remanded back to the Hearing Examiner as it seems to be an unnecessary set of steps.

Mr. Rollinger stated that if a decision is made that one of the conditions had not been satisfied, what are the standards and criteria that would need to be applied in order for the Hearing Examiner to hold a public meeting. He feels there is no need to go back through the two-step process as there is a more than adequate record to make the appropriate recommendation. He also added that DNR is not contesting the authority of the County to regulate its land, however, the regulation should be done in a lawful manner consistent with Skagit County Code.

Commissioner Dahlstedt asked if there had been annual reviews.

Mr. Rollinger indicated that the last review was done in 1997. DNR was waiting for a request of the review and that is what triggered this process.

Ms. Kuller stated that the original Staff Report indicated that all of the conditions had been met and the Conditional Use Permit itself was for the trailhead, which was what was under review. Staff has no control as to how the Hearing Examiner evaluates the permits. She indicated that advise was received from legal counsel that technical errors should be corrected that might have occurred in the process, which would result in holding a public hearing.

**RECORD OF THE PROCEEDINGS**  
**MONDAY, June 24, 2002**  
**PAGE NO. 3**

Chairman Munks indicated that the Board would render its decision on Tuesday, July 2, 2002 at 10:00 a.m.

Mr. Rollinger asked if the Board of Commissioners decision is limited to the three courses of action and that was confirmed.

**CONSENT AGENDA.**

Commissioner Dahlstedt motioned to approve the Consent Agenda for Monday, June 24, 2002, items 1-21. Commissioner Munks seconded the motion, which was carried.

**COMMISSIONERS' OFFICE:**

1. Record of the Proceedings for Monday, June 17, 2002.
2. Amendment No. 2 to Resolution **No. 18266** to add Alan Erickson, Director of Skagit Recovery Center, to the Skagit County Law and Justice Council.
3. Resolution Re-Appointing John Semrau to the Skagit County Parks and Recreation Advisory Board for the term June 30, 2002 through June 29, 2005. **(Resolution No. R20020205)**
4. Resolution Re-Appointing Charles Wick to the Substance Abuse Advisory Board for the term June 20, 2002 through June 29, 2005. **(Resolution No. R20020206)**

**AUDITOR'S OFFICE:**

5. A Resolution Authorizing the Use of Purchase Credit Cards. A test program was conducted and it has resulted in improving cash management, reducing costs and increasing efficiency, therefore, a Purchase Credit Card Program shall be implemented and administered by the Auditor's Office, which will include training prior to credit card issuance. **(Resolution No. R20020207)**

**BUDGET & FINANCE DEPARTMENT:**

6. Resolution Authorizing the Transfer of Residual Equity in the amount of \$7,541 from Fund 104 (Tuberculosis Hospital) to Fund 101 (Public Health). **(Resolution No. R20020208)**
7. Resolution to Correct Resolution **No. R20020189** for setting statutory dates for the 2003 budget schedule. **(Resolution No. R20020209)**

**CONSERVATION FUTURE:S**

8. Johnson Bros. Conservation Easement protecting 58 acres of farmland currently owned by Curtis, Kirby and Greg Johnson along Dodge Valley Road near La Conner at a cost of \$34,310.15. Jessie Conley, who is listed as the Grantor of the easement, is purchasing the property from the Johnson's. This easement has been approved as to form by legal counsel. Mr. Moffat advised that the public process for approving the easement be satisfied by placing it under the consent/miscellaneous agenda. **(Contract No. C20020218)**

**DISTRICT COURT PROBATION:**

9. Resolution Authorizing Execution of Interlocal Agreement to Provide Probation Services to Cities within Skagit County. **(Resolution No. R20020210)**

**RECORD OF THE PROCEEDINGS**

**MONDAY, June 24, 2002**

**PAGE NO. 4**

10. Interlocal Cooperative Agreement between Skagit County and City of Mount Vernon to provide Probation Services to the City. The term of the agreement is from January 1, 2002 through December 31, 2002. The City shall compensate the County \$92.17 per service unit. **(Contract No. C20020219)**
11. Interlocal Cooperative Agreement between Skagit County and the City of Sedro Woolley to provide Probation Services to the City. The term of the agreement shall be July 1, 2002 through December 31, 2002. The City shall compensate the County \$92.17 per service unit. **(Contract No. C20020220)**

**SHERIFF'S DEPARTMENT:**

12. Out-of-State Travel Request for Dan Slattery to attend a workshop titled "Legal Issues in Jails and Prisons – 2002" in Cannon Beach, Oregon October 23-25, 2002, for a total cost of \$675.00. The workshop will provide information on the latest legal issues in jail operations and management. The Washington State Training Commission and the Oregon Department of Public Safety sponsor the workshop. **(Approved)**

**YOUTH & FAMILY SERVICES:**

13. Personal Services Agreement with Northwest School of Guitar, Tom Gustafson, to provide guitar lessons beginning July 1, 2002 and continuing until June 30, 2004, with the total annual cost not to exceed \$10,000. **(Contract No. C20020221)**
14. Personal Services Agreement with Susan Gardner to provide specialized child, adolescent, adult and family assessment, evaluation and treatment (group and/or individual and/or families), consultation, and education classes. The term of the agreement shall commence on July 1, 2002 and continue until June 30, 2004. Compensation shall range from \$20 - \$70 per hour, depending on the services being rendered. **(Contract No. 20020222)**
15. Personal Services Agreement with Charlotte Underwood to provide specialized child, adolescent, adult and family assessment, evaluation and treatment (group and/or individual and/or families), consultation, and education classes. The term of the agreement shall commence on July 1, 2002 and continue until June 30, 2004. Compensation shall range from \$20 - \$70 per hour, depending on the services being rendered. **(Contract No. C20020223)**

**PUBLIC WORKS DEPARTMENT:**

16. Resolution Designating Applicant Agent for the State of Washington Hazard Mitigation Grant Program Application and Grant. **(Resolution No. R20020211)**
17. Personal Services Agreement with Leonard, Boudinot, & Skodje, Inc. to provide "on-call" engineering services, construction/contract administration and construction surveying for the Bay Ridge Business Park Project. The County awarded Bouslog Investments, LLC and JBK Investments, LLC for Public Facility Project Funding to finance street and utility improvements for the Bay Ridge Business Park. The road and storm drainage system within the road right-of-way will be owned and maintained by Skagit County. The sanitary sewer system will become property of the City of Burlington and the water lines will become property of Skagit County Public Utility District No. 1. The term of the agreement shall commence on June 24, 2002 and continue until August 31, 2003. Compensation shall be \$18,514.42. **(Contract No. C20020224)**

**RECORD OF THE PROCEEDINGS**

**MONDAY, June 24, 2002**

**PAGE NO. 5**

18. Amendment No. 1 to Standard Consultant Agreement **No. 04649** with Miller Consulting to extend the contract term to September 30, 2002. The effective amendment date is December 30, 2001. The maximum amount payable remains at \$100,000. **(Amendment No. A20020075)**
19. Amendment No. 1 to Personal Services Agreement **No. C20020039** with Walker & Associates to extend the contract term to July 31, 2002. The effective amendment date is April 30, 2002. The maximum amount payable remains at \$95,533. **(Amendment No. A20020076)**
20. Right-of-Entry Agreement with Ruth L. Palm and Ivan J. Carlson allowing the Public Works Department to perform construction of road improvements for Morris Street in La Conner. The agreement shall expire and become null and void at such time as the County has completed the project or the activity for the project. There is no compensation being paid for the right-of-entry. **(Contract No. C20020225)**
21. Vendor Services Agreement between Martin Marietta Materials and the Department of Public Works to allow the purchase of rock products and gravel products in an amount that will exceed \$25,000. The Maintenance Material Bid will be awarded to multiple companies depending on price, quality, availability and location of materials. The agreement began on April 1, 2002 and ends on March 31, 2003. **(Contract No. C20020226)**

**MISCELLANEOUS.**

1. Vouchers audited and certified by the auditing officer as required by R.C.W. 42.24.080, and those expense reimbursement claims certified as required by R.C.W. 42.24.090, have been recorded on a listing, which has been made available to the Board.

As of this date, June 24, 2002, the Board by majority vote, did approve for payment those vouchers included in the above-mentioned list and further described as follows:

Warrants numbered 122925 through 123414 from Clearing Fund 696 in the total amount of \$902,995.44 (Transmittal No. C-51-02);

Payroll warrants numbered 957351 through 957465 in the total dollar amount of \$103,318.13 (Transmittal No. P-23-02);

Payroll warrants numbered 101855 through 102829 in the total dollar amount of \$925,065.32 (Transmittal No. P-24-02).

2. Staff presented a Resolution to Call for a Public Hearing for the purpose of leasing County owned property to the Humane Society of Skagit County. The address of the said property is 18911 Kelleher Road, Burlington, WA 98233. Commissioner Dahlstedt motioned to approve the call for a public hearing to be held on July 23, 2002 at 11:30 a.m. Commissioner Munks seconded the motion, which was carried. **(Resolution No. R20020212)**

**DELIBERATION – ADOPTION OF THE “2002 FRAMEWORK AGREEMENT”  
REGARDING COORDINATED PLANNING, URBAN SERVICES, AND COUNTYWIDE  
PLANNING POLICIES.**

This item has been postponed until Tuesday, July 8, 2002 at 9:30 a.m. in the Commissioners' Hearing Room.

**RECORD OF THE PROCEEDINGS**  
**MONDAY, June 24, 2002**  
**PAGE NO. 6**

**ADJOURNMENT.**

Commissioner Dahlstedt made a motion to adjourn the proceedings. Commissioner Munks seconded the motion, which passed unanimously.

**BOARD OF COMMISSIONERS**  
**SKAGIT COUNTY, WASHINGTON**

---

Don Munks, Chairman

---

Kenneth A. Dahlstedt, Commissioner

---

Ted W. Anderson, Commissioner

ATTEST:

---

JoAnne Giesbrecht, Clerk of the Board  
Skagit County Board of Commissioners